

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
)
v.) No. 3:18-CR-053
)
PATRICK RYAN SMITH)

MEMORANDUM AND ORDER

The defendant is charged with four firearm and ammunition offenses. He has filed a motion to suppress [doc. 22], to which the United States has responded in opposition [doc. 23].

United States Magistrate Judge Bruce Guyton conducted an evidentiary hearing on December 12, 2018. Now before the Court is the magistrate judge's February 4, 2019 report and recommendation ("R&R"), recommending that the defendant's motion be denied. [Doc. 28].

A district court is both statutorily and constitutionally required to conduct a *de novo* review of a magistrate judge's report and recommendation. *See United States v. Shami*, 754 F.2d 670, 672 (6th Cir. 1985). However, it is necessary only to review "those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b). The district court need not provide *de novo* review where objections to a report and recommendation are frivolous, conclusive, or general. *See Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986).

No objections have been filed to the present R&R, and the time for doing so has now passed. The undersigned has nonetheless thoroughly reviewed the R&R, the defendant's motion, the parties' briefing, and the hearing exhibits.

Finding itself in complete agreement with the magistrate judge, the Court **ADOPTS** the findings of fact and conclusions of law set out in the report and recommendation [doc. 28]. It is **ORDERED** that the defendant's motion to suppress [doc. 22] is **DENIED**. This case remains set for trial on April 23, 2019.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan

United States District Judge